

## **REMARKS**

### **I. Introduction**

At the outset, Applicant wishes to express appreciation to the Examiner for the courtesies shown the undersigned during a telephonic interview on July 1, 2004.

In response to the Office Action, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

### **II. Status of the Application**

Claims 1-14 are pending in the subject application and stand rejected. In the present Amendment, Applicant has amended claims 1, 4, 11 and 12.

### **III. Amendment to the Title**

Applicant has amended the Title in the manner suggested by the Examiner.

### **IV. The Rejections Under 35 U.S.C. § 112**

The Official Action provides that “[t]he scope of claim[sic] 1-13 is not clear because beside the installation of the antenna the claim [is] also related to an aligning of an antenna to a satellite (see claim 1, line 5).” The Official Action further provides “[t]herefore it is not clear whether the aligning associated with the satellite is a part of the antenna installation method.”

Responsive to these statements, Applicant has amended claim 1 to clarify that it is directed to “a method for installing and tuning an antenna having a feed/low noise block amplifier assembly with a satellite”.

The Official Action further provides that “[I]t is not clear whether ‘an antenna having a feed/LNBF’ as recited in line 2 of claim 1 is the same as ‘an antenna’ (in the preamble). Also provide of a generic terminology for the term ‘LNBF’, such as ‘low noise block amplifier (LNBF)’ is suggested.”

Responsive to this rejection, Applicant has amended former line 2, now line 3, of claim 1 to recite “the antenna” to clarify that it is the antenna recited in the preamble of that claim. Applicant has also clarified LNBF as suggested by the Examiner.

The Official Action further provides that “ ‘television’ (claim 1, line 4) should be changed to --the television--.” Applicant has made that amendment to claim 1.

The Official Action further provides that “[I]t is not known how ‘a series of tones are emitted from the television speaker... are indicative of the alignment of the antenna with the satellite’ when there is no function association between the antenna, the satellite and/or the set box. It appears that the set box has to receive some type of aligning signals from the satellite and the antenna and then base on the connecting data the user have to adjust it some how in order to align the satellite to the antenna.”

Responsive to this statement, Applicant has clarified the interrelationship between the antenna, the satellite and the set top box in claim 1.

The Official Action also provides that “‘the satellite’ (claim 1, line 5) lacks antecedent basis.” Applicant’s amendment to the preamble of claim 1 provides that term with antecedent support.

The Official Action also states that “[t]he series tones emitted by the transmitter (claim 11, lines 1-2) appears to be inconsistent with that as described in claim 1, line 7. Please clarify.” Applicant submits that the amendments to claims 1 and 11 address this rejection.

In sum, Applicant submits that the above-mentioned clarifications to claims 1 and 11 address all of the rejections under 35 U.S.C. § 112. Accordingly, Applicant respectfully solicits the removal of all of the rejections under 35 U.S.C. § 112.

**V. Claim Rejections Under 35 U.S.C. § 103**

Claims 1-10 and 13-14 stand rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,561,433 to Chaney et al. ("Chaney et al."). The Official Action provides:

As applied to claim 1, Chaney et al. teach an antenna installation method affixing the antenna having a feed assembly to a vertically extending mast as shown in (Fig. 1), coupling a set box 17 to a television set 19 (see Fig. 3); operating the set box 17, such that a series of tones are emitted from the television speaker which are indicative of the alignment of the antenna centerline 7A with the satellite 3 (figures 1-3, discussed at col. 3, lines 55-65). Chaney et al. do not teach the steps of affixing a speaker to the vertically extending mast, and supporting a transmitter adjacent the television speaker. Therefore, it would have been obvious to have a speaker install at a desired and convenience location as necessary to indicate the proper signal needed for adjusting, aligning and/or positioning of the antenna as so to provide a proper reception. Furthermore, it would have been a matter of design choice to choose any desired communication display including audio/visual including a speaker being affixed to the extending mast and the supporting the transmitter adjacent the television speaker as discussed above since applicant has not disclosed that these features are critical, patentably distinguishing features and it appears that the invention would perform equally well with the configuration of the first and second circular arc portions as shown in the prior art reference (see Chaney et al. Figs. 2 and 5).

Responsive to this rejection, Applicant respectfully submits that Chaney et al. disclose the use of a box that is supported on top of a television set (i.e., set top box) and which is connected to the television to make use of the television's speaker and to provide the installer with video signals and antenna alignment menus. Chaney et al. provide:

The antenna alignment mode of operation is terminated for example, by leaving the antenna alignment menu displayed on screen 21 of television receiver.

Column 5, lines 13-16 of Chaney et al. Chaney et al. further provide:

The SNR signal has the form of digital data and is coupled to microprocessor 337 which converts it to graphics control signals suitable for displaying a signal quality graphics **on screen 21 of television receiver 19**. The graphics control signals are coupled to an on-screen display (OSD) unit 341 which causes graphics representative video signals to be coupled to television receiver 19. The signal quality graphics may take the form of a number which increases as the signal quality improves. **The signal quality graphics may assist the user in optimizing the adjustment of either or both of the elevation and azimuth positions.** The signal quality graphics feature may be selected by a user by means of the antenna alignment menu referred to earlier.

Column 8, lines 9-24 of Chaney et al. (emphasis added).

Section 2141.01 of the *Manual of Patent Examining Procedure* (MPEP) provides:

When applying 35 U.S.C. § 103, the following tenets of patent law must be adhered to:

- (A) The claimed invention must be considered as a whole;
- (B) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination;
- (C) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and
- (D) Reasonable expectation of success is the standard with which obviousness is determined.

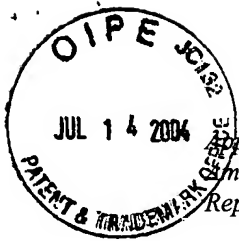
It is clear from the above-recited passages of Chaney et al., that Chaney et al. employed **both** video and audio signals during the alignment process. Applicant has been unable to find any indication in Chaney et al. that it would be desirable to **add** a transmitter for transmitting the audio tones to another speaker affixed to the antenna mast as recited in claim 1. In fact, none of the applied art teaches the need to do so. Only Applicant's disclosure teaches the desirability of having a speaker adjacent the antenna receiver. Accordingly, the cited references do not suggest the desirability of the method of claim 1 and it is improper to look at Applicant's disclosure to glean such desirability.

Furthermore, as indicated in the above-recited passages of Chaney et al., Chaney et al. utilizes **both** audio and visual signals during the alignment process. Thus, during the installation process, the installer presumably stands by the television set where he or she cannot only hear the audio tones emitted from its speaker but also so that he or she can view the video alignment signals displayed on the television screen. Placing a speaker on the antenna mast which, as shown in Figure 1 of Chaney et al., is located **outside of** house 13 would prevent the installer from also viewing the television monitor. Thus, Chaney et al. not only fails to provide the desirability of making the asserted modification, it teaches away from such modification. Accordingly, Applicant respectfully submits that a *prima facie* case of obviousness has not been established with respect to claims 1-10 and 13-14 based on Chaney et al.

Claims 11 and 12 stand rejected under 35 U.S.C. § 103 as being obvious over Chaney et al. in view of U.S. Patent No. 5,915,020 to Tilford et al. ("Tilford et al"). Applicant submits that Tilford et al. discloses a **portable** satellite earth station that is vastly different from the satellite antenna arrangement of Chaney et al. This difference is discussed in Tilford et al. which provides:

Despite the significant reduction in the size of the required antenna, DBS television reception has been generally limited to fixed permanent installations. In a typical installation, the DBS antenna is aimed at a desired satellite and permanently mounted outside the subscriber's home. A coaxial cable from the antenna is run to an integrated receiver/decoder (IRD) unit located inside the home. The IRD is typically housed in a VCR-sized consumer electronics unit requiring 110 volt AC electrical power source. During operation, the IRD receives a satellite signal and outputs a television signal suitable for display on a household television set, which itself usually requires a large power source.

Column 1, lines 55-67 of Tilford et al. Tilford et al. teaches that they are concerned with a portable earth station capable of receiving satellite displayed digital broadcasts. The Tilford et al. device has an antenna that is integrally mounted to the exterior of the portable housing.



Application No. 10/014,285  
Amendment Dated July 14, 2004  
Reply to Office Action of April 15, 2004

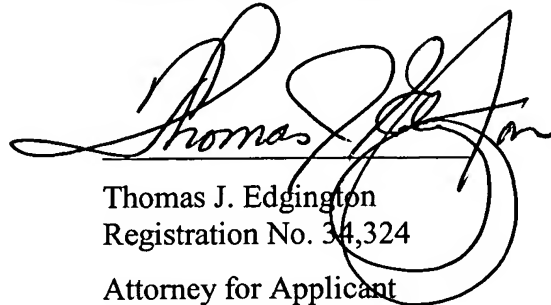
See, column 4, lines 52 and 53 of Tilford et al. Tilford et al. is not concerned with aligning permanently affixed – free standing antennas of the type disclosed in Chaney et al.

Accordingly, Applicant submits that there is no teaching to combine Tilford et al. with Chaney et al. to solve problems associated with the alignment of such permanently affixed antennas (problems which are not even appreciated by Chaney et al.). Applicant further submits that Tilford et al. actually teaches away from Chaney et al. Accordingly, Applicant respectfully traverses the rejection of claims 11 and 12 under 35 U.S.C. § 103.

#### **VI. Conclusion**

Applicant submits that all of the pending claims are in condition for allowance. Accordingly, reconsideration and passage to allowance of the subject application at an early date are earnestly solicited. If the undersigned can be of assistance in advancing the subject application to allowance, the Examiner may contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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